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Serial No. 10/511,812
Amendment in Reply to Office Action of September 26, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed September 26, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

It should be noted that the following recitation in the Office Action of "Nakashiro (US2002/0003760)" appears to include a typographical error, since US2002/0003760 is issued to Honda, while Nakashiro is JP-2001-344751. From the context and body of the rejections, it is believed that Nakashiro (JP-2001-344751) is the intended reference since, for example, FIGs 11-12 are referred to in the rejection, and Honda only includes FIGs 1-7, while Nakashiro includes FIGs 1-31. As such, it is assumed that there are no rejections based on Honda, and rather the intended rejections are based on Nakashiro and are treated herein as such.

In the Office Action, claims 1-6, 8-14 and 20-26 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over JP-2001-344751 (Nakashiro) in view of U.S. Patent No. 5,625,616 (Koike).

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Further, claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nakashiro in view of Koike and U.S. Patent Application Publication No. 2002/0191512 (Arioka). It is respectfully submitted that claims 1-2, 4-14 and 20-27 are patentable Nakashiro, Koike and Arioka for at least the following reasons.

Nakashiro is directed to a system for controlling an optical beam to have proper recording power at each point of time in variably recording a linear velocity power in accordance with the radial position of an optical disk (see, Abstract, PROBLEM TO BE SOLVED). The recording power (y) of the optical beam is variably controlled in accordance with a function $y=ax+b$ corresponding to a linear velocity power (x), a factor for type of disc (a), and y-intercept (b) (see, Abstract, SOLUTION).

Nakashiro discusses the proper recording power conditions in paragraph [0027], which recites (emphasis provided):

when a record linear-velocity scale factor is changed and is recorded, it shows the range of the amount k [a linear velocity scale factor] of amendments ... where properties, such as Cl error of a regenerative signal and a jitter, become good. (See also FIG 4).

Nakashiro further recites in paragraph [0030] that (emphasis

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provided):

a beta value can be set as constant value also in the time of high-speed record by one with a sufficiently large (the range of a beta value when C1 error and a pit jitter are low is wide) power margin.

Nakashiro also shows how a variable beta value can change the recording power function (y) (see, Fig. 15). In the sections of Nakashiro noted on page 3, line 4 of the Office Action, namely, paragraphs [0027]-[0030] and FIGs 1, 4, and 11-14, Nakashiro merely discusses a "jitter, become good" and "pit jitter are low" as noted in the sections of Nakashiro reproduced above. It is respectfully submitted that Nakashiro does not discuss or suggest an optimal power level being associated with one of the jitter points having a lowest error.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 11 and 25, amongst other patentable elements requires (illustrative emphasis provided):

a jitter measuring circuit configured to measure jitter points associated with different power levels provided to a source of the recording beam, an optimal power level provided to the source being associated with one of the jitter points having a lowest error.

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These features are nowhere taught or suggested in Nakashiro. Koike and Arioka are cited for allegedly showing other features and do not remedy the deficiencies in Nakashiro. Accordingly, it is respectfully submitted that independent claims 1, 11 and 25 are allowable, and allowance thereof is respectfully requested. Claims 2, 4-10, 12-14, 20-24 and 26-27 respectively depend from independent claims 1, 11 and 25 and accordingly are allowable for at least this reason, as well as for the separately patentable elements contained in each of said claims.

For example, claims 20, 22-23 and 27 include the following patentable features. In particular, the Office Action refers to FIGs 11-12 of Nakashiro to allegedly show features of claims 20 and 27. It is respectfully submitted that FIGs 11-12 merely show a series of graphs having different function of Beta values. FIGs 11-12 do not teach or suggest a jitter points and/or phase error as required by claim 20. FIGs 11-12 do not even discuss jitter points and/or phase error at all. Assuming, arguendo, that FIGs 11-12 show a jitter points and/or phase error, they still fails to show a phase error occurring while synchronizing data with a clock reference frequency, as recited in claims 20 and 27.

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Regarding claims 22-23, a myriad of Nakashiro figures, namely, FIGs 13, 15-18, 23-25, 29 and 30-31 are cited to allegedly show features of claims 22-23. It is respectfully submitted that FIGs 13, 15-18, 23-25, 29 and 30-31 show graphs of recording power as a function of linear velocity power. These figures simply do not show or suggest any steps, let alone showing or suggesting power levels separated by unequal steps as required by claim 22. The noted figures show different functions but none of the functions in any of the above figures show any steps or power levels separated by unequal steps.

Further, FIGs 13, 15-18, 23-25, 29 and 30-31 simply do not teach or suggest the features of claim 23 since, for example, there is no showing or suggestion that the points shown in the figures, such as FIGs 17-18, are jitter points as required by claim 23. The points shown in FIGs 17-18 appear to merely show recording power levels at different velocity power levels. Assuming, arguendo, that the points in FIGs 17-18 are jitter points, there is still no teaching or suggestion of "a first straight line is drawn through a first set of the jitter points and a second straight line is drawn through a second set of the jitter points, an intersection of the

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first straight line with the second straight line being associated with the optimal power level" as required by claim 23.

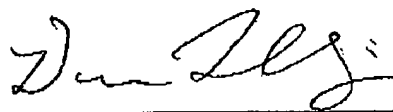
In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the fee for one additional dependent claim to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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December 11, 2006

Enclosure: Authorization to charge credit card \$50 for one claim
in excess of 20 (i.e., 21 total claims)

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